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RESOLUTION NO. 06-452

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90080 (ALONG CLIFTON, FROM 63RD ST. SOUTH TO 55TH ST. SOUTH)** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING **WATER DISTRIBUTION SYSTEM NUMBER 448-90080 (ALONG CLIFTON, FROM 63RD ST. SOUTH TO 55TH ST. SOUTH)** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **05-608** adopted on **November 15, 2005** is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct **Water Distribution System Number 448-90080 (along Clifton, from 63rd St. South to 55th St. South)** in the City of Wichita, Kansas.

SECTION 3. That the cost of said improvements provided for hereof is estimated to be **One Million One Hundred Thousand Dollars (\$1,100,000)** exclusive of the cost of interest on borrowed money, with **64.5** percent payable by the improvement district and **35.5** percent of the total cost payable by the City of Wichita from Water Department Water Utility Improvement Funds. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **August 1, 2006**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

UNPLATTED TRACT 'A'

The south 1082.30 feet of the Northwest Quarter of the Southwest Quarter of Section 26, Twp. 28-S, R-1-E of the 6th P.M., Sedgwick County, Kansas subject to road rights of way of record; TOGETHER WITH the south 1082.30 feet of Government Lot 3 located in the Southeast Quarter of Section 27, Twp. 28-S, R-1-E of the 6th P.M., Sedgwick County, Kansas.

UNPLATTED TRACT 'B'

A tract in Government Lot 2 in the NE ¼ of Sec. 27, Twp. 28-S, R-1-E of the 6th P.M., Sedgwick County, Kansas described as beginning at the NE corner of said Government Lot 2; thence southerly, along the east line of said Government Lot 2, 140 feet to the centerline of a ditch; thence southwesterly, along the centerline of said ditch to the point of intersection of said centerline and the East bank of the

Big Arkansas River, said point being 830 feet south of the north line of said Government Lot 2; thence northwesterly, along said East bank to a point on the north line of said Government Lot 2; thence east 1062 feet, more or less to the point of beginning.

CLIFTON HEIGHTS COMMERCIAL ADDITION

Lots 1 through 7, Block A

CLIFTON HEIGHTS COMMERCIAL 2ND ADDITION

Lot 1, Block A

CLIFTON COVE ADDITION

Lots 1 through 30, Block A
Lots 1 through 16, Block B
Lots 1 through 4, Block C
Lots 1 through 24, Block D
Lots 1 through 14, Block E
Lots 1 through 20, Block F

SECTION 5. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a **square foot** basis:

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said

publication.

ADOPTED at Wichita, Kansas, August 22, 2006.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)